

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 986  
Committee Substitute Favorable 5/10/93

Short Title: Amend Dangerous Dog Law.

(Public)

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Sponsors:

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Referred to:

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April 19, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING DANGEROUS DOGS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 67-4.1 reads as rewritten:

5 "**§ 67-4.1. Definitions and procedures.**

6 (a) As used in this Article, unless the context clearly requires otherwise and  
7 except as modified in subsection (b) of this section, the term:

8 (1) 'Dangerous dog' means in either sex genus canis

9 a. A dog that:

10 1. Without provocation has killed or inflicted severe injury  
11 on a person; or

12 2. Is determined by the person or Board designated by the  
13 county or municipal authority responsible for animal  
14 control to be potentially dangerous because the dog has  
15 engaged in one or more of the behaviors listed in  
16 subdivision (2) of this subsection.

17 b. Any dog owned or harbored primarily or in part for the purpose  
18 of dog fighting, or any dog trained for dog fighting.

19 (2) 'Potentially dangerous dog' means a dog that the person or Board  
20 designated by the county or municipal authority responsible for animal  
21 control determines to have:

22 a. Inflicted a bite on a person that resulted in broken bones or  
23 lacerations or required cosmetic surgery or hospitalization; or

- 1                   b.     Killed or inflicted severe injury upon a domestic animal when  
2                         not on the owner's real property; or  
3                   c.     Approached a person when not on the owner's property in a  
4                         vicious or terrorizing manner in an apparent attitude of attack.  
5           (3)   'Owner' means any person or legal entity that has a possessory  
6                 property right in a dog.  
7                 (4)   'Owner's real property' means any real property owned or  
8                 leased by the owner of the dog, but does not include any public  
9                 right-of-way or a common area of a condominium, apartment  
10                 complex, or townhouse development.  
11           (5)   'Severe injury' means any physical injury that results in broken bones  
12                 or disfiguring lacerations or ~~required~~requires cosmetic surgery or  
13                 hospitalization.  
14   (b)   The provisions of this Article do not apply to:  
15         (1)   A dog being used by a law enforcement officer to carry out the law  
16                 enforcement officer's official duties;  
17         (2)   A dog being used in a lawful hunt;  
18         (3)   A dog where the injury or damage inflicted by the dog was sustained  
19                 by a domestic animal while the dog was working as a hunting dog,  
20                 herding dog, or predator control dog on the property of, or under the  
21                 control of, its owner or keeper, and the damage or injury was to a  
22                 species or type of domestic animal appropriate to the work of the dog;  
23                 or  
24         (4)   A dog where the injury inflicted by the dog was sustained by a person  
25                 who, at the time of the injury, was committing a willful trespass or  
26                 other tort, was tormenting, abusing, or assaulting the dog, had  
27                 tormented, abused, or assaulted the dog, or was committing or  
28                 attempting to commit a crime.  
29   (c)   The county or municipal authority responsible for animal control shall  
30   designate a person or a Board to be responsible for determining when a dog is a  
31   'potentially dangerous dog' and shall designate a separate Board to hear any ~~appeal~~  
32   appeal of the 'potentially dangerous dog' determination. The person or Board making  
33   the determination that a dog is a 'potentially dangerous dog' must notify the owner in  
34   writing, giving the reasons for the determination, before the dog may be considered  
35   potentially dangerous under this Article. The owner may appeal the determination by  
36   filing written objections with the appellate Board within three days. The appellate Board  
37   shall schedule a hearing within 10 days of the filing of the objections. Any appeal from  
38   the final decision of such appellate Board shall be taken to the superior court by filing  
39   notice of appeal and a petition for review within 10 days of the final decision of the  
40   appellate Board. Appeals from rulings of the appellate Board shall be heard in the  
41   superior court division. The appeal shall be heard de novo before a superior court judge  
42   sitting in the county in which the appellate Board whose ruling is being appealed is  
43   located."  
44           Sec. 2. G.S. 67-4.2 reads as rewritten:

1 **"§ 67-4.2. Precautions against attacks by dangerous dogs.**

2 (a) It is unlawful for an owner to:

3 (1) Leave a dangerous dog unattended on the owner's real property unless  
4 the dog is confined indoors, in a securely enclosed and ~~locked~~  
5 padlocked pen, with a concrete bottom and a secure top, along with the  
6 posting of the premises with four clearly visible warning signs  
7 adequate to inform the public, including children, of the presence of a  
8 dangerous dog, and strategically placed on the property as designated  
9 by the appropriate county or municipal authority; ~~or in another structure~~  
10 designed to restrain the dog;

11 (2) Permit a dangerous dog to go beyond the owner's real property unless  
12 the dog is leashed and muzzled or is otherwise securely restrained and  
13 muzzled.

14 (a1) Within seven days after a dangerous dog determination becomes final, the  
15 owner must have the dangerous dog tattooed with a State identification number or mark  
16 on the inside of the right hind leg. Within 72 hours of the death of a dangerous dog, the  
17 owner of the dog shall provide written notification of the dog's death to the appropriate  
18 county or municipal authority. If the dog's body is not available, the notification shall  
19 fully identify the dog and shall bear the notarized signature of the owner and a licensed  
20 veterinarian, all attesting to the dog's death.

21 (b) If the owner of a dangerous dog transfers ownership or possession of the dog  
22 to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice to:

23 (1) The authority that made the determination under this Article, stating  
24 the name and address of the new owner or possessor of the dog; and

25 (2) The person taking ownership or possession of the dog, specifying the  
26 dog's dangerous behavior and the authority's determination.

27 (c) Violation of this section is a misdemeanor punishable by a fine not to exceed  
28 one hundred dollars (\$100.00) or imprisonment for not more than 30 days or both."

29 Sec. 3. Chapter 67 of the General Statutes is amended by adding a new  
30 section to read:

31 **"§ 67-4.6. Euthanizing dangerous dogs.**

32 An owner who violates G.S. 47-4.2(a) or G.S. 47-4.3 in a willful or grossly  
33 negligent manner shall forfeit all rights of ownership of the dog, and upon a final  
34 determination of such violation the dog may be humanely euthanized by the county or  
35 municipal authority responsible for animal control. The person or Board responsible for  
36 determining that the dog is potentially dangerous shall determine whether the owner's  
37 violation was willful or grossly negligent. If the person or Board determines that the  
38 owner's violation was willful or grossly negligent, the person or Board must notify the  
39 owner in writing, giving the reasons for the determination, before the dog may be  
40 euthanized. The owner may appeal the determination by filing written objections with  
41 the appellate Board within three days of receipt of the notice. The appellate Board shall  
42 schedule a hearing within 10 days of the filing of objections. Any appeal from the final  
43 decision of such appellate Board shall be taken to the superior court by filing notice of  
44 appeal and a petition for review within 10 days of the final decision of the appellate

1 Board. Appeals from rulings of the appellate Board shall be heard in the superior court  
2 division. The appeal shall be heard as a review of the record before a superior court  
3 judge sitting in the county in which the appellate Board whose ruling is being appealed  
4 is located."

5           Sec. 4. This act becomes effective October 1, 1993.